

Bedford Hills, New York
July 17, 2012

A public hearing was held by the Town Board Town of Bedford on July 17, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider an amendment to Chapter 59 of the Code of the Town of Bedford regarding the uniform fire prevention and building code, Local Law #8-2012. The hearing was called to order at 7:20 P.M. by Supervisor Roberts.

Present: Lee V. A. Roberts : Supervisor
Peter Chryssos : Councilman
Chris Burdick : Councilman
David Gabrielson : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Jeffrey Osterman : Town Planner
William Hayes : Chief of Police
Amy Pectol : Receiver of Taxes
Edward J. Ritter : Town Comptroller

Absent: Francis Corcoran : Councilman

And twelve (12) residents/observers.

Mrs. Roberts called the meeting to order. Proof of Publication was presented by the Town Clerk and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on July 6, 2012.

Mr. Fraietta explained that this legislation was to update Chapter 59 regarding the uniform fire prevention and building code to meet New York State recommendations.

Mrs. Roberts opened the floor to public comment and there was none.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick
Nays: None
Absent: Corcoran

RESOLVED that the Town Board does hereby close the public hearing to consider an amendment to Chapter 59 of the Code of the Town of Bedford regarding the uniform fire prevention and building code, Local Law #8-2012.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick
Nays: None
Absent: Corcoran

RESOLVED that the Town Board does hereby issue a negative declaration with regard to Local Law #8-2012 – an amendment to Chapter 59 of the Code of the Town of Bedford regarding the uniform fire prevention and building code as the enactment of this legislation shall have no adverse physical or environmental effects on the Town of Bedford.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick
Nays: None
Absent: Corcoran

RESOLVED that the Town Board does hereby adopt the following legislation:
**LOCAL LAW NO. 8 OF 2012 LOCAL LAW TO AMEND CHAPTER 59
OF THE CODE OF THE TOWN OF BEDFORD**

A LOCAL LAW to amend Chapter 59 of the Code of the Town of Bedford regarding the Uniform Fire Prevention and Building Code.

BE IT ENACTED by the Town Board of the Town of Bedford as follows:

Section 1. Chapter 59 of the Code of the Town of Bedford is hereby amended as follows:

§ 59-1-A. Statutory authorization.

Section 381 of the Executive Law, Subdivision 2 thereof, charges the Town with that administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State Energy Conservation Construction Code (the EC3) and the laws and regulations of the State of New York. This chapter is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or another section of this chapter, all Buildings, Structures, and premises, regardless of use or occupancy, are subject to the provisions of this Chapter.

§ 59-21-B. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare with respect to fire prevention and building projects within the Town of Bedford.

§ 59-2. Definitions.

“Building” shall mean any Structure, as defined herein, having a roof, supported by columns or by walls or self-supporting, and intended for the shelter, housing or enclosure of persons, animals or chattel.

“Building Permit” shall mean a permit issued pursuant to section 59-8 of this Chapter. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this chapter.

“Building Inspector” shall mean the Building Inspector appointed pursuant to section 59-3 of this chapter.

“Building Inspector Personnel” shall include the Building Inspector and all Assistant Inspectors pursuant to section 59-7 of this chapter.

“Building Department Order” shall mean any order issued by the Building Inspector or an Assistant Inspector pursuant to this chapter.

“Certificate of Occupancy” shall mean a certificate issued pursuant to section 59-9 of this chapter. Also sometimes referred to as “Certificates of Compliance.”

“EC3” shall mean the New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Inspector” shall mean an inspector appointed pursuant to section 59-7 of this chapter.

“Operating Permit” shall mean a permit issued pursuant to 59-16 of this chapter. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this chapter.

“Permit Holder” shall mean any Person to whom a Building Permit is issued.

“Person” shall include any individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop-work Order” shall mean an order issued pursuant to section 59-11 of this chapter.

“Structure” shall mean anything constructed or erected, the use of which requires location on or under the ground or attachment to something having location on the ground. "Structure" includes a Building. See also "Building."

“Temporary Certificate” shall mean a certificate issued pursuant to section 59-9(D) of this chapter.

“Town” shall mean the geographic area of the Town of Bedford.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 59-3. Designation of ~~Code Enforcement Official~~ Building Inspector.

There is hereby designated in the Town of Bedford a public official to be known as the "Code Enforcement Official," "Building Inspector," who shall be appointed by the Town Board at compensation to be fixed by it who shall be appointed and compensated in the manner prescribed by the Town Board. The Building Inspector shall possess background experience related to building construction and fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for building department personnel, and the Building Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

§ 59-4. Administration and enforcement.

Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the ~~Code Enforcement Official~~ Building Inspector shall administer and enforce all of the provisions of the ~~New York State Uniform Fire Prevention and Building Code~~ Uniform Code, the EC3, the laws and regulations of the State of New York and all other laws, ordinances, rules and regulations applicable to plans, specifications or permits for the construction, alteration and repair of Buildings and Structures, and the installation and use of materials and equipment therein, and to the location, use and occupancy thereof. In addition, the Building Inspector shall exercise the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) To issue Building Permits, Certificates of Occupancy and Operating Permits, and to include therein such terms and conditions as the Building Inspector may deem appropriate;
- (3) To conduct construction inspections, inspections prior to the issuance of Certificates of Occupancy and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under this chapter;
- (4) To issue Stop-work Orders;
- (5) To review and investigate complaints of unsafe Buildings or Structures within the Town of Bedford, and issue citations for such conditions;
- (6) To maintain Building Department records;
- (7) To collect fees as set by the Town Board;

- (8) To pursue administrative enforcement actions and proceedings;
- (9) To pursue such legal actions and proceedings, in cooperation with the Bedford Town Attorney, as may be necessary to enforce the Uniform Code, the EC3 and this chapter or to abate or correct any conditions in violation therewith; and
- (10) To exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this chapter.

§ 59-5. Promulgation of rules and regulations.

The Town Board may, after public notice and publication at least five (5) days prior to the effective date thereof in a newspaper of general circulation within the ~~€~~Town, adopt such further procedural/administrative rules and regulations as the Town Board deems reasonable to carry out the provisions of this chapter. The ~~Enforcement Officer~~Building Inspector may make recommendations to the Town Board to adopt, amend or appeal such rules and regulations as they may relate to efficient administration and enforcement of the provisions of the ~~New York State Uniform Fire Prevention and Building Code~~. Such rules and regulations shall not conflict with the ~~New York State Uniform Fire Prevention and Building Code~~Uniform Code, the EC3, the laws and regulations of the State of New York, this chapter, or any other provision of law.

§ 59-6. ~~Acting Code Enforcement Official~~ Building Inspector.

In the absence of the ~~Code Enforcement Official~~Building Inspector, or in the case of his inability to act for any reason, the Town Board shall have the power to designate a person to act on behalf of the ~~Code Enforcement Official~~Building Inspector and to exercise all powers conferred upon him by this chapter.

§ 59-7. ~~Deputy Code Enforcement Officials~~ Assistant Building Inspectors and Code Enforcement Officers.

~~The Town Board may appoint one (1) or more Deputy Code Enforcement Officials, as the need may appear, to act under the supervision and direction of the Code Enforcement Official and to exercise any portion of the powers and duties of the Code Enforcement Official as he may direct. The compensation of such Deputy Code Enforcement Officials shall be fixed by the Town Board. One or more Assistant Inspectors may be appointed by the Town Board to act under the supervision and direction of the Building Inspector and to assist the Building Inspector in the exercise of the powers and in fulfillment of the duties conferred upon the Building Inspector by this chapter. Each Assistant Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for Building Inspectors and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.~~

§ 59-8. Building permit required.

A. No Building or Structure shall be erected, constructed, enlarged, ~~altered structurally, altered, repaired, renovated, moved, or demolished, nor shall~~ or excavation be made therefor or work begun thereon, removed or demolished or any portion thereof removed or demolished, nor have installed thereon a any solid fuel-burning heating apparatus, chimney or flue in any such structure installed therein, until a Building Permit has been issued ~~therefor~~ by the ~~Code Enforcement Official~~Building Inspector and until there has been compliance with all provisions under the ~~New York State Uniform Fire Prevention and Building Code~~Uniform Code, the EC3, the laws and regulations of the State of New York, this Chapter and with the provisions of and Article XII, § 125-125 of the Code of the Town of Bedford.

No person shall commence any work for which a Building Permit is required without first having obtained a building permit from the Building Inspector.

B. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by the Building Inspector's office. The application shall be signed by the owner or an authorized agent of the owner of the property where the work is to be performed. The application shall include such information as the Building Inspector deems sufficient to facilitate a determination that the intended work complies with all applicable requirements of the Uniform Code, the EC3, this Chapter, and all applicable State laws and regulations. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected Building or Structure;
- (4) where applicable, a statement of special inspection(s) prepared in accordance with the provisions of the Uniform Code; and
- (5) three (3) sets of construction documents (drawings and/or specifications) which:
 - (a) define the scope of the proposed work;
 - (b) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (c) indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (d) substantiate that the proposed work will comply with the Uniform Code, the EC3, this Chapter, and all applicable State laws; and
 - (e) where applicable, include a site plan that shows any existing and proposed Buildings and Structures on the site; the location of any existing or proposed well or septic system; the location of the intended work; and the distance between the Buildings, Structures and lot lines.

C. Construction documents. Construction documents shall not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in subdivision (B) of this section. Construction documents submitted as part of the application for a Building Permit shall be marked as received by the Building Inspector in writing or by stamp. One set of the received construction documents shall be retained by the Building Inspector and one set shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Department personnel.

D. Issuance of Building Permits. An application for a Building Permit shall be examined to determine whether or not the proposed work is in compliance with the applicable requirements of the Uniform Code, the EC3, this chapter, and all applicable State, County and local laws and regulations. If the proposed work is in compliance with the applicable requirements, the Building Inspector shall issue a Building Permit.

- E. Building Permits to be Displayed. Copies of all Building Permit(s) issued for a given project shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- F. Work to be done in accordance with construction documents. All work shall be performed in accordance with the construction documents submitted and accepted as part of the application for the Building Permit. The Permit Holder shall immediately notify the Building Department of any change occurring during the course of the work.
- G. Deviation from Approved Plans. Upon notification of any deviation from the approved building plans, the Building Inspector shall determine whether such deviation is substantial in nature, requiring re-assessment of the affected project, or is negligible. The Building Inspector shall thereafter issue a formal letter memorializing their opinion, and the project shall either continue, or plans re-submitted for approval by the Building Inspector.
- H. Time Limits. Building Permits shall become invalid unless the authorized work is commenced within 1 year following the date of its issuance. Notwithstanding the foregoing, all Building Permits shall expire eighteen (18) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, or his designee, payment of the applicable fee (as listed in the fee schedule adopted by the Town Board), and approval of the application by the Building Inspector.
- I. Revocation or suspension of Building Permits. If the Building Inspector determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code, the EC3, or any other laws, the Building Inspector shall have the right to revoke or suspend the Building Permit until such time as the Permit Holder demonstrates that:
- (1) all work then completed is in compliance with all applicable provisions of the Uniform Code, the EC3, this Chapter, and all applicable State, County and local laws and regulations; and
 - (2) all work then proposed shall be performed in compliance with all applicable provisions of the Uniform Code, the EC3, this Chapter and all applicable State, County and local laws and regulations.
- J. Fee. The applicable fee, as set forth in the fee schedule adopted by the Town Board, must be paid at the time of submission of an application for a Building Permit, an amended Building Permit, or renewal of a Building Permit.

§ 59-8-1. Key boxes.

- ~~A. Building access. All commercial buildings shall provide a key box of a type approved by the Code Enforcement Official. The location and contents of the key box must be approved by the respective Fire District or its designee.~~
- ~~B. Key boxes will be optional for one-family, two-family and multifamily residential buildings, with the exception as set forth in Chapter 29, § 29-9D.~~
- ~~C. Effective date. This section be will effective immediately in regard to all buildings other than one-family, two-family and multifamily residential buildings wherein a building~~

~~permit is issued after the effective date of this chapter. As to existing buildings, the section shall be effective as of July 1, 2005.~~

§ 59-9. Certificates of Compliance and Certificates of Occupancy.

~~A. A Certificate of occupancy and a certificate of compliance is required for any of the following:~~

~~(1) Occupancy and use of a building or any part thereof hereinafter erected, altered, moved or extended.~~

~~(2) Change of use of an existing building or structure.~~

~~B. A certificate of occupancy and certificate of compliance shall be issued only if the proposed use of the building, structure or land conforms to the provisions of the New York State Uniform Fire Prevention and Building Code and all provisions of Article XII of the Code of the Town of Bedford, §§ 125-126 and 125-127 thereof.~~

A. Certificates of Occupancy required. A Certificate of Occupancy shall be required for any work which is the subject of a Building Permit and for all Structures, Buildings, or portions thereof converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a Building, Structure or portion thereof for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy.

B. Issuance of Certificates of Occupancy. The Building Inspector shall issue a Certificate of Occupancy if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and EC3 and, if applicable, that the Structure, Building or portion thereof converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code, EC3 this Chapter and all applicable State, County and local laws and regulations. In addition, where applicable, the following documents shall be prepared, in accordance with the provisions of the Uniform Code, at the expense of the applicant, and provided to the Building Inspector prior to issuance of the Certificate of Occupancy:

(1) A written statement of structural observations and/or a final report of special inspections.

(2) Flood hazard certifications.

C. A Certificate of Occupancy shall be issued only if the proposed use of the Building, Structure and land conforms to the provisions of the Uniform Code and all provisions of sections 125-126 and 125-127 of the Code of the Town of Bedford.

D. Temporary Certificate. The Building Inspector shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a Building, Structure or a portion thereof prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Building Inspector issue a Temporary Certificate unless the Building Inspector determines:

(1) that the Building or Structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely,

(2) that any fire and smoke-detecting, or fire protection equipment, which has been installed is operational, and

(3) that all required means of egress from the Building or Structure have been provided.

The Building Inspector may include in a Temporary Certificate such terms and conditions as deemed necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code and this Chapter. A Temporary Certificate shall be effective for a period of time not to exceed six (6) months from the date the Temporary Certificate is issued. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the Building or Structure into full compliance with all applicable provisions of the Uniform Code, the EC3, this Chapter, all applicable State, County and local laws and regulations and the Building Permit.

- E. Revocation of suspension of certificates. If the Building Inspector determines that a Certificate of Occupancy or Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Building Inspector, the Building Inspector shall revoke or suspend such certificate.
- F. Fee. The fee, as set forth in the fee schedule adopted by the Town Board, must be paid at the time of submission of an application for a Certificate of Occupancy or Temporary Certificate.

§ 59-10. Inspections for building permits.

- ~~A. Work for which a building permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing and heating and air conditioning. It shall be the responsibility of the owner, applicant or his agent to inform the Code Enforcement Official or Deputy Code Enforcement Officials that the work is ready for inspection and to schedule such inspection.~~
- ~~B. Existing buildings:~~

~~(1) Existing buildings not subject to inspection under Subsection A of this section shall be subject to periodic inspections for compliance with the New York State Uniform Fire Prevention and Building Code in accordance with the following schedule:~~

~~(a) — All areas of public assembly defined in the New York State Uniform Fire Prevention and Building Code, all buildings or structures containing areas of public assembly and the common areas of multiple dwellings: every six (6) months.~~

~~(b) — All buildings or structures open to the general public: every twelve (12) months.~~

~~(c) — All other buildings: every twenty-four (24) months.~~

~~(2) Notwithstanding any requirement of this subsection to the contrary, no regular periodic inspections of occupied dwelling units shall be required; provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.~~

- ~~C. The inspections required by this section must be performed by the Code Enforcement Official or Deputy Code Enforcement Officials appointed by the Town Board to assist him. The Code Enforcement Official or Deputy Code Enforcement Officials are authorized to order, in writing, the correction of any condition in violation of the New York State Uniform Fire Prevention and Building Code found in, on or about any building. Such orders shall be served in person upon a responsible party or his authorized~~

~~agent or by registered mail sent to the address of a responsible party set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition with the specified time shall be subject to a penalty as set forth in § 59-14.~~

- A. Work to remain accessible and exposed. Work for which a Building Permit has been issued under this Chapter shall remain accessible and exposed until inspected and approved by the Building Inspector or Assistant Inspector. The Permit Holder shall notify the Building Inspector when any element of work described in subdivision (B) of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation of new or expanded Buildings and Structures;
 - (3) foundations;
 - (4) preparation for concrete slab;
 - (5) framing of a Building or Structure;
 - (6) building systems, including underground and rough-in;
 - (7) fire-resistant constructions;
 - (8) fire-resistant penetrations;
 - (9) solid fuel burning appliances, flues or gas vents;
 - (10) EC3 compliance features;
 - (11) a final inspection after all work has been completed.
- C. Inspection Results. After inspection, the work or a portion thereof shall be noted as satisfactorily as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code, EC3, or applicable State, County or local laws and regulations.
- D. Notwithstanding any requirements of this section to the contrary, no regular periodic inspections of occupied dwelling units shall be required; provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety or welfare.
- E. The inspections required by this section must be performed by the Building Inspector or an Assistant Inspector. The Building Inspector and Assistant Inspector are authorized to order, in writing, the correction of any condition in violation of the Uniform Code, EC3, this Chapter and any State, County or local law or regulations, found in, on or about any Building or Structure within the Town.

Such orders shall be served in person upon a responsible party or his authorized agent, or by registered mail sent to the address of a responsible party set forth in any relevant application for a permit or certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as set forth in § 59-20, below.

§ 59-11 Fire prevention and safety inspection.

- ~~A. All dwelling units in a building consisting of two (2) or more such units shall be inspected for the purpose of determining compliance with safety requirements of the New York State Uniform Fire Prevention and Building Code at least once in every thirty-six (36) months. Inspection of the common areas of such building, such as halls, foyers, staircases, etc., shall be so inspected at least once in every twenty-four (24) months.~~
- ~~B. Firesafety inspections of buildings or structures with areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, Rules and Regulations shall be performed at least once in every twelve (12) months.~~
- ~~C. All other buildings, uses and occupancies (except one-family dwellings) shall be inspected at least once in every twenty-four (24) months.~~
- ~~D. An inspection of a building or dwelling unit shall be performed at any other time upon:~~
- ~~(1) The request of the owner or authorized agent;~~
 - ~~(2) Receipt of a written statement specifying the grounds upon which the subscriber believes a violation of the New York State Uniform Fire Prevention and Building Code exists; or~~
 - ~~(3) Other reasonable and reliable information that such violation exists.~~
- ~~E. Such inspection shall be performed by the Code Enforcement Official or Deputy Code Enforcement Officials.~~

§ 59-1311. Stop-work orders.

~~The Whenever the Building Inspector, Assistant Building Inspector or Code Enforcement Official have reasonable grounds to believe that work on any building or structure is being performed in violation of the provisions of the New York State Uniform Fire Prevention and Building Code or applicable laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work. Such persons shall immediately stop such work and suspend all building activities until the stop orders have been rescinded. All stop orders and notices shall be in writing and shall state the conditions under which work may be resumed. A stop order shall be served upon a person to whom it is directed either by delivering it personally or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to the person, firm, or corporations by certified mail.~~

- ~~A. Authority to issue: The Building Inspector or authorized Assistant Inspector may issue Stop-work Orders pursuant to this section. The Building Inspector or authorized Assistant Inspector may issue a Stop-work Order to halt any work that they:~~
- ~~(1) determine to be contrary to any applicable provision of the Uniform Code, EC3, this Chapter or applicable State, County or local law or regulation, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work;~~
 - ~~(2) determine is being conducted in a dangerous or unsafe manner, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work; or~~

- (3) determine is being performed either without necessary Building Permits or under a Building Permit that has become invalid, expired, or has been suspended or revoked.

B. Content of Stop-work Orders. Stop-work Orders shall:

- (1) be in writing,
- (2) be dated and signed by the Building Inspector,
- (3) state the reason or reasons for issuance, and
- (4) state the conditions which must be satisfied before work will be permitted to resume.

C. Service of Stop-work Orders. The Building Inspector shall cause the Stop-work Order or a copy thereof to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail. The Building Inspector shall be permitted but not required to cause the Stop-work Order or a copy thereof to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop-work Order, personally or by registered mail, provided, that failure to serve any such Person, other than owner of the affected property, shall not affect the efficacy of the Stop-work Order.

D. Effect of Stop Work Order. Upon the issuance of a Stop-work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop-work Order.

E. Remedy not exclusive. The issuance of a Stop-work Order shall not be the exclusive remedy available to address any event described in subsection (A) of this Section and the authority to issue a Stop-work Order shall be in addition to, and not in substitution for, the right and authority to pursue any other remedy or impose any other penalty under section 59-20 of this Chapter or under any other applicable State, County or local law or regulation. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop-work Order.

§ 59-12. Records and reports.

~~A. The Code Enforcement Official or Deputy Code Enforcement Officials shall keep permanent official records of all transactions and activities conducted by him/them, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by the municipality and notices and orders issued. All such reports shall be public information open to public inspection during normal business hours.~~

~~B. The Code Enforcement Official or Deputy Code Enforcement Officials shall annually submit to the Town Board a written report of all business conducted.~~

§ 59-12. Unsafe Buildings and Structures.

A. The Building Inspector shall promulgate procedures and criterion, subject to approval by the Town Board, for identification and assessment of unsafe Buildings and Structures within the Town.

B. Once an unsafe Building or Structure is identified, the Building Inspector shall notice the owner(s) of said Building/Structure of the unsafe condition in accordance with section 59-13 of this chapter.

§ 59-13. ~~Stop-work orders~~Complaints.

~~Whenever the Code Enforcement Official or Deputy Code Enforcement Officials have reasonable grounds to believe that work on any building or structure is being performed in violation of the provisions of the New York State Uniform Fire Prevention and Building Code or applicable laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work. Such persons shall immediately stop such work and suspend all building activities until the stop orders have been rescinded. All stop orders and notices shall be in writing and shall state the conditions under which work may be resumed. A stop order shall be served upon a person to whom it is directed either by delivering it personally or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to the person, firm, or corporations by certified mail.~~

The Building Inspector shall review and investigate complaints alleging the existence of building conditions or activities that fail to comply with the Uniform Code, the EC3, this Chapter or any applicable State, County or local law or regulation. The process for responding to a complaint shall include such of the following steps as the Building Inspector may deem to be appropriate, including:

- (1) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (2) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation;
- (3) if appropriate, issuing a Stop-work Order;
- (4) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

Failure to correct an unsafe condition in a Building or Structure within the time specified by the Building Inspector shall be grounds for a violation, subject to financial penalty and any other remedy provided under applicable State, County or local law or regulation or Section 59-20 of this Chapter.

§ 59-14. Penalties for offenses; other remedies.

- ~~A. Upon determination by the Building and Fire and Safety Inspector that a violation of the New York State Uniform Fire Prevention and Building Code or this chapter exists in, on or about any building or premises, the Building and Firesafety Inspector shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the New York State Uniform Fire Prevention and Building Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending by registered mail.~~
- ~~B. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the New York State Uniform Fire Prevention and Building Code, or any amendment hereafter made thereto, as well as any regulation or rule promulgated by the Town Board, or to fail to comply with a notice, order or directive of the Code Enforcement Official or Deputy Code Enforcement Officials, or to construct, alter,~~

~~repair, move or equip any building or structure or part thereof in a manner not permitted by an approved building permit.~~

~~C. Any person who shall willfully fail to comply with a written order of the Building Inspector and/or Fire Marshal within the time fixed for compliance herewith and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building, who shall violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Building Inspector and/or Fire Marshal made thereunder or in addition to any other penalties provided for in this chapter, or any person who shall violate any of the provisions of this chapter, the New York State Uniform Fire Prevention and Building Code or any rules or regulations adopted pursuant to this chapter or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, shall, severally for each and every such violation, be guilty of a misdemeanor punishable by a fine of not less than \$50 nor more than \$1,000 or by imprisonment for not more than 30 days, or both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons shall be required to correct or remedy such violation or defects within a reasonable time, and when not otherwise specified, each day that the prohibited condition(s) or violation continues shall constitute a separate offense. The imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.~~

~~D. An action or proceeding in the name of the Town of Bedford, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the New York State Uniform Fire Prevention and Building Code, this chapter, rule or regulation adopted pursuant to this chapter or a violation order or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.~~

§ 59-14. Fire Safety and Property Maintenance Inspections.

A. Inspections required. Fire safety and property maintenance inspections of Buildings and Structures shall be performed by the Building Inspector or Assistant Inspector at the following intervals:

(1) Fire safety and property maintenance inspections of Buildings or Structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of Buildings or Structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential Buildings, Structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every two (2) years.

B. Inspections permitted. In addition to the inspections required by subdivision (A) of this section, a fire safety and property maintenance inspection of any Building, Structure, use, or occupancy, or of any dwelling unit, may also be performed by the Building Inspector or an Assistant Inspector at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

- (2) receipt by the Building Inspector of a written statement alleging Building conditions or activities that fail to comply with the Uniform Code, EC3 or this Chapter; or
- (3) receipt by the Building Inspector of any other information, reasonably believed by the Building Inspector to be reliable, that Building conditions or activities failing to comply with the Uniform Code, EC3 or this Chapter exist.

Nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC Inspections. Nothing in this section, or in any other provision of this chapter, shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

D. Notwithstanding any other provision of this section to the contrary:

- (1) the Building Inspector shall not perform fire safety and property maintenance inspections of a Building or Structure which contains an area of public assembly if the OFPC performs fire safety and property maintenance inspections of such Building or Structure at least once every twelve (12) months;
- (2) the Building Inspector shall not perform fire safety and property maintenance inspections of a Building or Structure occupied as a dormitory if the OFPC performs fire safety and property maintenance inspections of such Building or Structure at least once every twelve (12) months;
- (3) the Building Inspector shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subsection (A) of this section if the OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subsection (A) of this section; and
- (4) the Building Inspector shall not perform fire safety and property maintenance inspections of a non-residential Building, Structure, use or occupancy not included in paragraphs (1) or (2) of subsection (A) of this section if the OFPC performs fire safety and property maintenance inspections of such non-residential Building, Structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subsection (A) of this section.

E. Fee. The fee set forth in the fee schedule adopted by the Town Board must be paid prior to or at the time of each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by the OFPC.

§ 59-15. Variances.

~~Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this chapter or any rule or regulation hereunder which provision is not also required by the New York State Uniform Fire Prevention and Building Code, application for variances consistent with the spirit of such law, rule or regulation may be made to the Town Zoning Board of Appeals.~~

§ 59-15. Notification Regarding Fire or Explosion.

The chief of any fire department providing firefighting services within the Town shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

§ 59-16. Operating Permits.

A. Operating Permits required. Operating Permits shall be required for conducting the activities or using the categories of Buildings listed below:

(1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) and 2703.1.1(4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR Section 1225.1;

(2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(4) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board.

Any Person who proposes to undertake any activity or to operate any type of Building listed in this subsection shall be required to obtain an Operating Permit prior to commencing such activity or operation.

B. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by the Building Inspector. Such application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Building Inspector determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided at the expense of the applicant.

C. Inspections. The Building Inspector or an Assistant Inspector shall inspect the subject premises prior to issuance of an Operating Permit.

D. Multiple Activities. In any circumstances in which more than one activity listed in subsection (A) is to be conducted at a single location, the Building Inspector may require a separate Operating Permit for each such activity or may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

E. Duration of Operating Permits. Operating permits shall be issued for a period of time not to exceed one (1) year. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Building Inspector, payment of the applicable fee, and re-approval of such application by the Building Inspector.

F. Revocation or Suspension of Operating Permits. If the Building Inspector determines that any activity or building for which an Operating Permit was issued does not comply with any applicable State, County and local law or regulation, such Operating Permit may be revoked or suspended where the offending condition is not corrected within the time specified by the Building Inspector.

G. Key Boxes:

(1) Building access. All commercial Buildings shall provide a key box of a type approved by the Building Inspector. The location and contents of the key box must be approved by the respective Fire District or its designee.

(2) Key boxes will be optional for one-family, two-family and multifamily residential Buildings.

H. Fee. The fee as set forth in the fee schedule adopted by the Town Board must be paid at the time of submission of an application for an Operating Permit, amended Operating Permit, or for reissue or renewal of an Operating Permit.

§ 59-17. Recordkeeping.

A. For each property within the jurisdiction of the Town, the Building Inspector shall keep permanent official records of all transactions and activities conducted by all Building Inspector Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificate of Occupancy, Temporary Certificates, Stop-work Orders, and Operating Permits issued;
- (4) all inspections and tests performed thereon;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted thereon; and
- (8) all fees charged and collected.

B. Such records shall be public records open for public inspection in the Building Inspector's office during normal business hours unless otherwise provided for in Public Officers Law §87 *et seq.* All plans and records pertaining to Buildings or Structures, or appurtenances thereto, shall be retained for at least the minimum time period required by State law and regulation.

§ 59-18. Violations.

A. Compliance Orders. The Building Inspector is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any Building, Structure, or premises in violation of the Uniform Code, the EC3, or this Chapter.

Upon finding that any such condition or activity exists, the Building Inspector may issue a Compliance Order. The Compliance Order shall:

- (1) be in writing;
- (2) be dated and signed by the Building Inspector;
- (3) specify the condition or activity that violates the Uniform Code, the EC3, or this Chapter;
- (4) specify the provision or provisions of the Uniform Code, EC3, or this Chapter violated by the specified condition or activity;

- (5) specify the period of time which the Building Inspector deems to be reasonably necessary for achieving compliance;
- (6) direct that compliance be achieved within the specified period of time; and
- (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The Building Inspector shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail/certified mail. The Building Inspector may, but is not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance Tickets. The Building Inspector and Assistant Inspectors are authorized to issue Appearance Tickets, as defined in Town Code Chapter 6, Section 1, for any violation of the Uniform Code or this Chapter.

C. Civil Penalties. In addition to those penalties prescribed by State law, any Person who violates any provision of the Uniform Code, the EC3, or this Chapter, any applicable State, County or local law or regulation or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop-work Order, Operating Permit or other notice or order issued by Building Inspector pursuant to any provision of this Chapter, shall be liable for a civil penalty of not more than \$200 for each day during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town of Bedford.

D. Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Bedford, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the EC3, this Chapter, any applicable State, County or local law or regulation or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop-work Order, Operating Permit, Compliance Order, or other notice or order issued by the Building Inspector pursuant to the provisions of this chapter.

In particular, but not by way of limitation, where the construction or use of a Building or Structure is in violation of any provision of the Uniform Code, the EC3, this Chapter, any applicable State, County or local law or regulation or any Stop-work Order, Compliance Order or other order obtained under the Uniform Code, the EC3, this Chapter or any applicable State, County or local law or regulation, an action or proceeding may be commenced in the name of the Town of Bedford, in the Supreme Court or in any other court or competent jurisdiction, to obtain an order directing the removal of the Building or Structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of the Town of Bedford.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy to address a violation described in this section and each remedy or penalty specified in this section shall be in addition to, and not in substitution for, the other remedies or penalties specified in this section, in section 59-11 (Stop-work Orders), any other section of this chapter, or in any other applicable State, County or local law or regulation.

§ 59-19. Fees.

A fee schedule shall be established by resolution of the Town Board of the Town of Bedford. Such fee schedule may thereafter be amended from time to time by resolution of the Town Board of the Town of Bedford. The fees set forth therein, or determined in accordance therewith, shall be charged and collected for the submission of applications for the issuance of Building Permits, amended Building Permits, renewed Building Permits; Certificates of Occupancy; Temporary Certificates; Operating Permits; for fire safety and property maintenance inspections; and for violations of this chapter.

§ 59-20. Intermunicipal Agreements.

The Town Board may, by resolution, authorize the Building Inspector to enter into an agreement, in the name of the Town of Bedford, with other governments to carry out the terms of this Chapter, provided any such agreement does not violate any provision of the Uniform Code, the EC3, Part 1203 of Title 19 of the NYCRR, or any other applicable State, County or local law or regulation.

§ 59-21. Severability.

If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, by a court of competent jurisdiction, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

§ 59-22. Variances.

Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this Chapter or any rule or regulation hereunder, which provision is not also required by the Uniform Code, EC3 or applicable State, County or local law or regulation, application for variances consistent with the spirit of this Chapter and any such rule or regulation may be made to the Town Zoning Board of Appeals and the Zoning Board of appeals shall be empowered to grant a variance therefrom where the Zoning Board of Appeals has found that:

- A. The application of the strict letter of any provision of this Chapter would create practical difficulties or an unnecessary hardship for the applicant; and
- B. The application of the strict letter of any provision of this Chapter will not significantly jeopardize human life.

Section 2. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

[-----] – deleted material

[____] -- added material

There being no further discussion the hearing was adjourned at 7:25pm.

Lisbeth Fumagalli, Town Clerk